

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

Kathryn G. Collier, *et al.*,

Plaintiffs,

v.

**Case No. 3:15-cv-180
Judge Thomas M. Rose**

SP Plus Corporation, *et al.*,

Defendants.

ENTRY AND ORDER GRANTING IN PART MOTION TO DISMISS FOR LACK OF JURISDICTION BY CITY OF DAYTON AND SP PLUS CORPORATION (DOC. 47), GRANTING IN PART MOTION TO DISMISS FOR FAILURE TO STATE CLAIM BY THIRD PARTY DEFENDANT SKIDATA, INC. (DOC. 49), DENYING DEFENDANTS' MOTION TO DISMISS WITH PREJUDICE. DISMISSING PURSUANT TO PLAINTIFFS' NOTICE OF DISMISSAL WITHOUT PREJUDICE, (DOC. 48), AND TERMINATING CASE.

Pending before the Court are Motion to Dismiss for Lack of Jurisdiction by City of Dayton And SP Plus Corporation (Doc. 47) and Motion to Dismiss for Failure to State Claim by Third Party Defendant Skidata, Inc., (Doc. 49). As movants state in their motions, in light of the Supreme Court ruling in *Spokeo Inc. v. Robbins*, 136 S. Ct. 1540 (May 16, 2016), Plaintiffs have failed to establish jurisdiction and thus have failed to state a claim as they have suffered no injury by virtue of Defendants' alleged statutory violation. At the same time, if they were to become aware of a concrete injury from this alleged breach, they should be entitled to refile their action. For this reason, Plaintiffs' Complaint is **DISMISSED WITHOUT PREJUDICE**, pursuant to

Plaintiffs' Notice of Dismissal Without Prejudice. Doc. 48. The Clerk is **ORDERED** to **TERMINATE** the instant action from the docket of the United States District Court for the Southern District of Ohio.

DONE and **ORDERED** in Dayton, Ohio, this Thursday, July 14, 2016.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE